IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 773 of 2005

Between:

Bandla Mohan, S/o. China Venkaiah,
R/o. Annareddypalem Village, Vidavalur Mandal,
Nellore District.

..... PETITIONER

AND

1 The Joint Collector, Nellore.
2 The Chairman, CIFS and Revenue Divisional Officer, Kavali.
3 The Mandal Revenue Officer, Vidavalur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order, writ or direction more particularly a Writ of Mandamus under Articles 226 of constitution of India, declaring the action of 1st respondent in not considering the stay petition filed along with the statutory appeal dated 22-01-2005 filed against the order 2nd respondent in his respect of an extent 56 cents in Survey No. 711/A situated in Mudivarthy Village, Hamlet of Annareddypalem, Vidavalur Mandal, Nellore District pending the statutory appeals dated 22-01-2005, the further action of the respondents in seeking to dispossess the petitioner from the above said extent of land as illegal, arbitrary, unjust and consequently suspend the order of the 2nd respondent in his proceedings RC.No/04/VDL dated -09--2004 signed on 10-09-2004 pending the appeal before the 1st respondent.

Counsel for the Petitioner : Mr.P.SRIDHAR REDDY
Counsel for Respondents : G.P. FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 773 of 2005

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for the Respondents and both of them agreed for disposal of the writ petition at the stage of admission.

The petitioner claims to be owner of Ac.0-56 cents in Survey No.711/A of Mudivarthy village, Hamlet of Annareddypalem, Vidavalur Mandal, Nellore district and he has been in possession of the property and his name was also mutated in the revenue records. It is stated that the second respondent by his proceedings dated 8.9.2004 resumed the lands. Aggrieved thereby, petitioners said to have filed appeal before the first respondent together with an application for stay of the order of resumption. The grievance of the petitioners in this writ petition is that the first respondent has not passed any orders either on the appeal or on the stay application, and pending same, the respondents are trying to evict the petitioners from the land in question. Hence the writ petition.

Since the appeal filed by the petitioners is pending before the first respondent, I deem it appropriate to dispose of the writ petition directing the first respondent to consider and dispose of the appeal preferred by the petitioners, and pass appropriate orders thereon in accordance with law. Till passing of orders on the said appeal or the stay application by the first respondent, status quo obtaining as on today shall be maintained by the parties in respect of the land in question.

With the above directions, the writ petiton is disposed of. No costs.

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N.V.RAMANA, J

Date: 25.1.2005

Note: Wire at Party's costs.

B/o

DA/KSR

To

1 The Joint Collector, Nellore.
2 The Chairman, CIFS and Revenue Divisional Officer, Kavali, Nellore district.
3 The Mandal Revenue Officer, Vidavalur Mandal, Nellore District.

4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.